

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA

FILED

SEP 22 2005

JOHN F. ZORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

MARSHALL CONSTRUCTION CO., INC.,)

Plaintiff,)

v.)

GLADE EAST, LLC, *et al.*,)

Defendants.)

CASE NO. 4:05CV00012

ORDER

By: B. WAUGH CRIGLER
U.S. MAGISTRATE JUDGE

In accordance with the hearing convened before the undersigned on September 21, 2005,
and for the reasons set forth from the bench, it hereby is

O R D E R E D

as follows:

1. Plaintiff's motion to compel is GRANTED. Defendants hereby are directed to supplement responses to plaintiff's interrogatories and requests for production of documents no later than September 30, 2005. The supplementation is to contain a certification by a corporate officer and counsel to the effect that a diligent search has been conducted and the responses represent all information obtained as a result of that search.

2. Depositions previously scheduled for August 22, 23, 25, and 26, 2005 hereby are scheduled for October 24-28, 2005. The order of the depositions is to be as follows: a) plaintiff first shall depose Mr. Beatty and Mr. Phar; b) then defendants are to depose Mr. Marshall and Mr. Roosevelt; and c) this will be followed by the depositions of the remaining two defense witnesses and then the depositions of the remaining two plaintiff's witnesses.

3. Defendants' motion for a protective order is DENIED.

4. Plaintiff's motion for sanctions is DENIED without prejudice to renew should plaintiff believe the circumstances so warrant renewal of the motion. The undersigned does not believe that the discovery problems in this case have been caused by plaintiff's counsel, and plaintiff may well suffer economic loss should it experience further unnecessary discovery difficulties.

The Clerk of the Court hereby is directed to send a certified copy of this Order to all counsel of record.

ENTERED:


United States Magistrate Judge

Sept 22, 2005
Date